

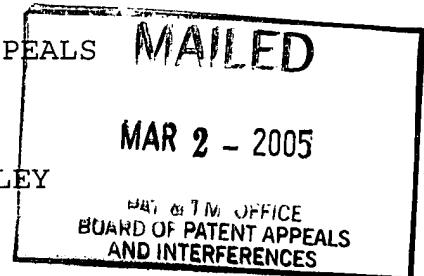
THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The remand being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY DAVID SHELLEY
and KURTIS L. BROWN



Application No.10/010,620

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 23, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 20, 2004, appellants filed an amendment after final. A review of the record indicates that the examiner entered an Advisory action, dated February 10, 2004, which stated "amendment will be entered for purposes of Appeal". However, the

examiner noted "Do Not Enter 2/2/04" on the amendment itself.

Thus, the status of the January 20, 2004 amendment is unclear.

Accordingly, it is

ORDERED that the application be returned to the examiner for written clarification as to the entry status of the amendment after final filed on January 20, 2004, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



KIMBERLY JORDAN
Program and Resource Administrator
(571) 272-9797

KJ/dal

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
HOFFMAN ESTATES IL 60195